

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADASHAHIED GOTOY,
Plaintiff,

v.

JAMES DZURENDA, et al.,
Defendants.

Case No.: 2:23-cv-01636-CDS-VCF

ORDER

On October 11, 2023, pro se plaintiff Shahied Gotoy, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). The application to proceed *in forma pauperis* is incomplete because **Plaintiff failed to include a financial certificate and an inmate trust fund account statement for the previous six-month period with the application**. Instead, Plaintiff filed an “Affidavit” purporting that he’s sought his required financial documents from prison officials four times over the four weeks preceding the filing of his complaint, but he has not yet received them. (ECF No. 1-1 at 13–15). The Court construes Plaintiff’s “Affidavit” as seeking an extension of time to either pay the filing fee or file the financial documents that are necessary to complete his *in forma pauperis* application, and it grants him that narrow relief.

This Court must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is


1 properly signed by both the inmate and a prison or jail official; and (3) a copy of the
2 **inmate's prison or jail trust fund account statement for the previous six-month**
3 **period.** See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. LSR 1-2. *In forma pauperis* status
4 does not relieve an inmate of his or her obligation to pay the filing fee, it just means that
5 the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

6 It is therefore ordered that Plaintiff has **until December 26, 2023**, to either pay the
7 full \$402 filing fee or file with the Court a completed financial certificate that is signed both
8 by the inmate and the prison or jail official and a copy of the inmate's trust fund account
9 statement for the previous six-month period.

10 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
11 he fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to
12 refile the case with the Court, under a new case number, when Plaintiff can file a complete
13 application to proceed *in forma pauperis* or pay the required filing fee.

14 The Clerk of the Court is directed to send Plaintiff Shahied Gotoy the approved
15 form application to proceed *in forma pauperis* for an inmate and instructions for the same
16 and retain the complaint (ECF No. 1-1) but not file it currently.

17 DATED THIS 24th day of October 2023.

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20 UNITED STATES MAGISTRATE JUDGE
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